

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 24, 2001**

DIVISION ONE

B149357      Thrifty Oil Co.                      (Certified for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Linder, r.p.i.)

The petition is granted. A peremptory writ shall issue commanding the trial court (1) to vacate its order denying Thrifty's motion for summary adjudication of its surcharge cause of action, and (2) to enter a new order granting that motion. Thrifty is entitled to its costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:   Ortega, Acting P.J.  
                 Mallano, J.

B139901      People                                      (Not for Publication)  
                 v.  
                 Batts and McCrea

The judgments are reversed. The matter is remanded to the trial court with directions to enter a judgment of dismissal with prejudice as to each defendant. The clerk of this court is directed to forward a copy of this opinion to this opinion to the State Bar. If the matter was previously reported to the State Bar by the trial court, this notification is to be disregarded.

Ortega, J.

We concur:   Spencer, P.J.  
                 Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B143581 People (Not for Publication)  
v.  
Frierson and Whitehead

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION TWO

B143257 Financial Pacific Leasing LLC (Not for Publication)  
v.  
Rhee

The order determining Rhee to be the prevailing party "on the complaint" and fixing the amount of attorney fees to be awarded as costs is reversed insofar as it awards Rhee attorney fees. The order insofar as it determines other costs to be awarded to Rhee is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Cooper, J.

B146115      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Dora P.

The order is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Cooper, J.

## DIVISION TWO (Continued)

B144447 Martino (Not for Publication)  
v.  
Snider

The judgment is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION THREE

B148089      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Guillermina V.  
In re Jorge V. et al., Persons Coming Under the Juvenile Court Law

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B142640      Deborah Luna      (Not for Publication)  
v.  
Jivago, Inc., et al.

The judgment is reversed with respect to the first and second causes of action and is otherwise affirmed. Luna to recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION THREE (Continued)

B142214     Elliot C. Penalosa                    (Not for Publication)  
B144225     v.  
             Lucille Penalosa

The order imposing sanctions against wife is reversed. The order directing wife to make an equalizing payment of \$3,000 is affirmed. Costs on appeal to wife.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B150562     Charlene J.                                    (Not for Publication)  
             v.  
             Superior Court, Los Angeles County  
             (Department of Children's and Family Services, r.p.i.)

The request for a stay is denied. The petition is dismissed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                 Aldrich, J.

B142513     Jonathan T. Trevillyan, et al.            (Not for Publication)  
             v.  
             Bankers Trust et al.

The order from which defendants have appealed is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to defendants.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

DIVISION THREE (Continued)

B142722      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Valerie T.  
In re Jessica W., A Person Coming Under The Juvenile Court Law

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B145938      People      (Not for Publication)  
v.  
Vardazaryan

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

DIVISION FOUR

B150183      State Compensation Insurance Fund      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

The order to show cause, having served its purpose, is discharged. Let a writ of mandate issue commanding the trial court to conduct an in camera hearing in accordance with the views expressed in this opinion. The temporary stay order is to remain in effect until the remittitur issues.

Vogel (C.S.), P.J.

We concur:   Hastings, J.  
                 Curry, J.

## DIVISION FOUR (Continued)

[illegible]

The judgment confirming the arbitration award is affirmed. The order granting attorney fees as costs is reversed. Each party is to bear her own costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B138734      Hellinger et al.      (Certified for Publication)  
v.  
Farmers Insurance Exchange et al.

The judgment is reversed. Appellant(s) to recover costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

DIVISION FIVE

B139223 Christopher D. Boyle (Not for Publication)  
v.  
City of Redondo Beach

The purported appeal from the judgment dismissing the second amended complaint is dismissed. The order awarding attorney fees is affirmed. Defendant, the City of Redondo Beach is to recover its costs on appeal.

Turner, P.J.

We concur: Grignon, J.  
Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B141506      Graciela Medrano                      (Not for Publication)  
                 v.  
                 Victor L. Paniagua

The judgment is affirmed. Plaintiff Graciela Medrano is to recover her costs on appeal from Defendant Victor L. Paniagua.

Turner, P.J.

We concur:   Grignon, J.  
                 Willhite, J. (Assigned)

B141977      People    (Not for Publication)  
                 v.  
                 Mynor Monzon and Miguel Herrera

The judgment is modified to reflect that neither Mr. Herrera nor Mr. Monzon were entitled to presentence conduct credits. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment for each defendant and forward it to the Department of Corrections.

Turner, P.J.

We concur:   Grignon, J.  
                 Armstrong, J.

B150435      Christy F.    (Not for Publication)  
                 v.  
                 Superior Court of Los Angeles County  
                 Los Angeles County Department of Children and Family Services

The petition for writ of mandate is denied. Pursuant to Rules of Court, rule 24(d), this opinion is made final forthwith.

Turner, P.J.

We concur:   Grignon, J.  
                 Armstrong, J.

DIVISION FIVE (Continued)

B135885      Ronald Blagden Anderson Sr.      (Not for Publication)  
v.  
Clarence E. Markham et al.

The judgment and orders under review are affirmed. Defendants, Mary Burrell Fulton, the law firm of Nelson and Fulton, Cynthia Coulter Mulvihill, the law firm of Santochi, Fitzer & Gable, Venita Arceneaux, Clarence E. Markham, Ronald H. Hauptman, and John Ouderkirk, shall each separately recover their costs incurred on appeal from plaintiff, Ronald Blagden Anderson Sr.

Turner, P.J.

We concur:    Grignon, J.  
                    Willhite, J. (Assigned)

B135352      Lois Payne et al.      (Certified for Partial Publication)  
v.  
National Collection Systems, Inc.

The order sustaining the demurrer of defendant National Collection Systems, Inc., doing business as National Credit Management, to the first, second, third, and fourth causes of action is reversed. The order sustaining the demurrer to the fifth and sixth causes of action without leave to amend is affirmed. The demurrer dismissal as to the first through fourth causes of action is reversed. Plaintiffs shall each recover their costs incurred on appeal from defendant, National Collection Systems, Inc., doing business as National Credit Management.

Turner, P.J.

I concur:      Armstrong, J.  
I concur & dissent:    Grignon, J. (Opinion)



DIVISION FIVE (Continued)

B140705      Starcrest Products of California, Inc.      (Not for Publication)  
                 v.  
                 State Board of Equalization

The portion of the judgment determining use of the mailing lists on magnetic tapes was not taxable is reversed. The portion of the judgment determining the package inserts were taxable is affirmed. Defendant, the State of Board of Equalization is to recover its costs on appeal from plaintiff, Starcrest Products of California.

Turner, P.J.

I concur:      Armstrong, J.

I concur and dissent:   Grignon, J. (Opinion)

B144277      People      (Not for Publication)  
                 v.  
                 Jerry Alton Milner

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                 Grignon, J.